

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 09/787,360

REMARKS

On page 2 of the Office Action, the Examiner issues a Restriction Requirement under 35 U.S.C. § 121 to one of the inventions of the following groups:

- Group 1 - Claims 1-6 and 13, drawn to a gene and oligonucleotide;
- Group 2 - Claims 7-8, drawn to an expression product;
- Group 3 - Claim 9, drawn to an antibody;
- Group 4 - Claim 10, drawn to an expression product having a physiological activity;
- Group 5 - Claims 11-12, drawn to a therapeutic and prophylactic composition;
- Group 6 - Claims 14 and 19, drawn to a gene therapy composition and a method of use;
- Group 7 - Claim 15; drawn to a gene-specific probe;
- Group 8 - Claim 16, drawn to a method of screening for candidate compounds; and
- Group 9 - Claims 17-18, drawn to a method for therapy involving administration of a protein.

The Examiner contends that the inventions listed in Groups 1-13 (*sic* 1-9) do not relate to a single general inventive concept.

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 09/787,360

Accordingly, Applicants hereby elect the invention of Group 3, i.e., Claim 9 (new Claims 19-22) without traverse.

As to non-elected Claims 1-8 and 10-18, these claims are hereby cancelled without prejudice to the filing of a Divisional Application(s) on the non-elected invention(s).

In paragraph 2, on page 2 of the Office Action, the Examiner issues an Election of Species Requirement. Specifically, the Examiner states that Claims 1, 10-11 and 17 are generic. The Examiner requires Applicants to elect a specific species of physiological activity of the protein, as recited in Claims 1 and 10; or a specific species of pathological condition, as recited in Claims 12 and 18.

Accordingly, Applicants hereby elect the physiological activity: brain memory-forming activity.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,



Gordon Kit

Registration No. 30,764

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: November 16, 2001

A P P E N D I X

Marked-up Version of Changes

IN THE CLAIMS:

Claims 1-18 are being cancelled.

New Claims 19-22 are being added.